

Appl. No. : **10/813,915**
Filed : **March 31, 2004**

REMARKS

The January 24, 2006 Office Action was based upon pending Claims 1 – 36. This Amendment amends Claims 1, 7, 10 – 16, 18 – 22, and 29 and cancels Claims 30 – 36. Thus, after entry of this Amendment, Claims 1 – 29 are pending and presented for further consideration.

Applicant would like to thank Examiner Paik for the interview extended to Applicant's counsel of record, John R. King, on February 28, 2006. During the interview, the Examiner agreed that the amendments to Claim 1 clarified the patentably distinguishing features of the invention. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

Claim Rejections

The Office Action rejected Claims 1, 2 and 4 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0216988 to Mollett, et al. ("the Mollett Publication").

Furthermore, the Office Action rejected Claims 3 and 5 – 36 under 35 U.S.C. §103(a) as being unpatentable over the Mollett Publication in view of U.S. Patent No. 6,578,760 to Otto ("the Otto Patent").

Rejection of Claims 1, 2 and 4 under 35 U.S.C. §102(e)

The Office Action rejected Claims 1, 2 and 4 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0216988 to Mollett, et al. ("the Mollett Publication").

Independent Claim 1

Applicant has amended Claim 1 to be directed to a method of processing financial transactions comprising: acquiring identification information from at least one the customer; calculating a suspicious activity score for the customer wherein the suspicious activity score is indicative of a level of suspicion associated with customer activity; storing the suspicious activity score in a suspicious persons database wherein

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the suspicious activity score is associated with the customer; and periodically modifying the value of the suspicious activity score based on the customer activity.

As discussed in the interview, amended Claim 1 is different than the negative database described in Mollett Publication. Indeed, neither the Mollett Publication, nor any of the other cited references, describes a stored suspicious persons activity score is periodically modified based on customer activity.

Dependent Claim 2

Claim 2 which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Rejection of Claims 3 and 5 – 36 under 35 U.S.C. §103(a)

The Office Action rejected Claims 3 and 5-36 under 35 U.S.C. §103(a) as being unpatentable over the Mollett Publication in view of the Otto Patent.

Dependent Claims 3 – 6

As discussed above, neither the Mollett Publication nor the Otto patent either alone, or in combination, teach the features set forth in Claim 1. Claims 3-6 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Independent Claim 7

Although Claim 7 has different language than Claim 1, Claim 7 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 8 – 13

Claims 8-13 which depend from Claim 7, are believed to be patentable for the same reasons articulated above with respect to Claim 7, and because of the additional features recited therein.

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Independent Claim 14

Although Claim 14 has different language than Claim 1, Claim 14 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claim 15

Claim 15 which depends from Claim 14, is believed to be patentable for the same reasons articulated above with respect to Claim 14, and because of the additional features recited therein.

Independent Claim 16

Although Claim 16 has different language than Claim 1, Claim 16 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claim 17

Claim 17 which depends from Claim 16, is believed to be patentable for the same reasons articulated above with respect to Claim 16, and because of the additional features recited therein.

Independent Claim 18

Although Claim 18 has different language than Claim 1, Claim 18 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 19 and 20

Claims 19 and 20 which depend from Claim 18, are believed to be patentable for the same reasons articulated above with respect to Claim 18, and because of the additional features recited therein.

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Independent Claim 21

Although Claim 21 has different language than Claim 1, Claim 21 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Independent Claim 22

Although Claim 22 has different language than Claim 1, Claim 22 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 23 – 29

Claims 23 – 29 which depend from Claim 22, are believed to be patentable for the same reasons articulated above with respect to Claim 22, and because of the additional features recited therein.

Request For Telephone Interview

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the number listed below.

Conclusion

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

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In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-17-06

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